

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIO ANTELO,

Plaintiff,

vs.

DEPUY SYNTHES PRODUCTS, LLC;
DEPUY SYNTHES SALES, INC.,

Defendants.

Case No. 2:13-cv-01613-MMD-GWF

**REPORT AND
RECOMMENDATION**

This matter is before the Court with respect to the continued prosecution of the above entitled action.

Following the withdrawal of Plaintiff's counsel in 2014, the Court was advised by Plaintiff's daughter, Virginia Guthrie, that due to age and ill health, Plaintiff Julio Antelo was unable to prosecute the case on his own behalf and needed the assistance of his daughter in efforts to retain new counsel and secure the assistance of an expert witness. The Court accorded Plaintiff, through his daughter, substantial time to obtain the expert's report in support of Plaintiff's claim and to retain new counsel. During the status hearing on September 22, 2015, Ms. Guthrie advised the Court that on behalf of Plaintiff, she has been unable to find an attorney willing to take the case and that she does not believe she will be able to retain counsel to represent the Plaintiff in this case. Ms. Guthrie stated, however, that Plaintiff was unwilling to voluntarily dismiss the case.

On November 16, 2015, the Court set a new deadline for filing dispositive motions and on December 16, 2015, Defendants filed a motion for summary judgment. On December 16, 2015, Ms. Guthrie filed a status report on behalf of her father stating:

...

1 As Mr. Antelo cannot represent himself in court, and I do not have the
2 authority, nor has an attorney been retained, Plaintiff cannot proceed.
3 It is Plaintiff's expectation that the judge would file an order to
Dismiss this case "without prejudice" as mentioned in a recent
hearing.

4 *Status Report (#70).*

5 Based on the foregoing,

6 **IT IS HEREBY RECOMMENDED** that this case be dismissed without prejudice.

7 DATED this 21st day of December, 2015.

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10 GEORGE FOLEY, JR.
11 United States Magistrate Judge
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